

SENATE JOURNAL
Sixty-third General Assembly
STATE OF COLORADO
First Regular Session

Fifteenth Legislative Day

Wednesday, January 24, 2001

Prayer By the chaplain, The Reverend Constance Delzell, St. Andrews Episcopal Church.

Call to Order By the President at 9:00 a.m.

Roll Call Present--Total, 34.
Absent/Excused--Musgrave--Total 1.
Present later--Musgrave.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator F. Jim Dyer, reading of the Journal of Tuesday, January 23, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly printed: SB 01-118, 119, 120.

COMMITTEE OF REFERENCE REPORTS

The committee recommends the following:

Business, Labor, and Finance After consideration on the merits, the committee recommends that **SB01-001** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, line 10, strike "AND THEIR DEPENDENTS".

Page 3, strike lines 19 and 20 and substitute the following:

"(I) THE INDIVIDUAL'S HEALTH OR HEALTH CARE HISTORY;"

Page 4, after line 5, insert the following:

"(I) THE DIVISION OF ADMINISTRATIVE HEARINGS, THE EXECUTIVE DIRECTOR, OR ANY EMPLOYEE THEREOF;"

Renumber succeeding subparagraphs accordingly.

Page 4, line 9, strike "(I)" and substitute "(II)";

line 15, after the period, add "THE TRUSTEE MAY CHARGE A CLAIMANT THE COST OF COPYING ALL PERSONAL HEALTH INFORMATION REQUESTED."

Page 6, after line 23, insert the following:

"(6) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ANY HEALTH INFORMATION GATHERED BY AN EMPLOYER, IN THE EMPLOYER'S CAPACITY AS TRUSTEE OF SUCH HEALTH INFORMATION, SHALL NOT BE USED TO AFFECT THE CLAIMANT'S IMPAIRMENT RATINGS, WORK RESTRICTIONS, DIAGNOSIS, OR TREATMENT."

Page 8, line 12, strike "PERFORMANCE OF THE CARRIER'S INSURANCE FUNCTIONS." and substitute "PURPOSES SET FORTH IN THIS SECTION OR SECTION 8-42-206.";

line 13, strike "FUNCTIONS" and substitute "PURPOSES".

Business, Labor, and Finance After consideration on the merits, the committee recommends **SB01-020** be referred favorably to the Committee of the Whole.

Business,
Labor, and
Finance

After consideration on the merits, the committee recommends **SB01-033** be postponed indefinitely.

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Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **SB01-037** be amended as follows and, as so amended be referred to Appropriations with favorable recommendation.

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Amend printed bill, page 4, line 26, strike "All" and substitute "EXCEPT FOR MONEYS TO BE TRANSFERRED TO THE STATE TREASURER PURSUANT TO SECTION 39-21-108 (5), all".

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Business,
Labor, and
Finance

After consideration on the merits, the committee recommends **SB01-110** be referred favorably to the Committee of the Whole.

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INTRODUCTION OF BILLS--FIRST READING

The following bills were read by title and referred to the committees indicated:

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SB01-118

by Senators Hernandez, Epps and Hagedorn--Concerning the regulation of direct-entry midwives, and, in connection therewith, continuing the regulation of direct-entry midwives by the division of registrations in the department of regulatory agencies.
Health, Environment, Children & Families

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SB01-119

by Senator Teck; also Representative Young--Concerning measures that will ensure that the department of revenue has sufficient funds to continue issuing license plates, and, in connection therewith, eliminating the requirement for front license plates and making an appropriation.
Public Policy and Planning
Appropriations

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SB01-120

by Senator Musgrave--Concerning the definition of "significant family risk factors" for purposes of the Colorado preschool program.
Education

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MESSAGE FROM THE HOUSE

January 23, 2001

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Mr. President:

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The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1005,1015,1016,1020,1027,1039,1055,1069,1203.

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The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1011, amended as printed in House Journal, January 22, page 131.
HB01-1023, amended as printed in House Journal, January 22, page 131.
HB01-1056, amended as printed in House Journal, January 22, page 132.

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January 23, 2001

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Mr. President:

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The House has adopted and returns herewith SJR01-003.

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On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Second Reading calendar of Wednesday, January 24, was laid over until Thursday, January 25, retaining its place on the calendar.

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CONSIDERATION OF RESOLUTIONS

SR01-006

By Senator Thiebaut--Concerning consent calendars.

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Amendment No. 1, by Senator Anderson.

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Amend the resolution, as printed in Senate Journal, January 18, page 51, strike lines 33

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SR01-006

and 34 and substitute the following:

"(e) THE WORD "BILL" AS USED IN THIS RULE SHALL NOT INCLUDE CONCURRENT RESOLUTIONS. "

A majority of all members elected to the Senate having voted in the affirmative, the amendment was declared **adopted**.

Amendment No. 2, by Senator Andrews.

Amend the resolution, as printed in Senate Journal, January 18, page 50, line 45, strike "IF A BILL IS REPORTED OUT OF A" and substitute "IF A BILL PASSES OUT OF COMMITTEE BY A UNANIMOUS VOTE, IF A BILL HAS NO RECOMMENDED COMMITTEE AMENDMENTS, IF ALL COMMITTEES OF REFERENCE CONSIDERING A BILL RECOMMEND THAT THE BILL BE PLACED ON THE CONSENT CALENDAR";

line 46, strike "COMMITTEE OF REFERENCE" and strike "AND" and substitute "OR";

line 47, strike "THE BILL" and substitute "A BILL".

Page 53, after line 29, insert the following:

"That Rule No. 22 (f) of the Rules of the Senate is amended to read:

22. COMMITTEE RULES

(f)After a committee of reference has taken its final action on a measure, the chairman of the committee shall make a report of such action to the Secretary of the Senate within five legislative days. However, during the last three days of a legislative session, the chairman of the committee shall make any committee of reference report as soon as possible. Final action shall consist of reporting a measure out of committee, with or without amendments, for consideration by the committee of the whole, REPORTING A MEASURE OUT OF COMMITTEE, WITH OR WITHOUT AMENDMENT, FOR CONSIDERATION BY THE COMMITTEE OF THE WHOLE WITH A RECOMMENDATION THAT THE BILL BE PLACED ON THE CONSENT CALENDAR, a recommendation for reference to another committee of reference, or postponing the measure indefinitely. A motion to postpone consideration of a measure for more than 30 days or until a date beyond the date for adjournment sine die of the legislative session shall be considered a motion to postpone indefinitely. In addition, a measure shall be deemed postponed indefinitely when there has been a tie vote on a motion that would constitute final action and subsequently the applicable deadline for Senate committees of reference to report bills passes without action by the Senate Committee on Delayed Bills to extend the deadline for the measure. The chairman shall make a report to the Secretary of the Senate indicating that any such measure is deemed postponed indefinitely. Following the date of the applicable committee deadline, the chairman shall have five legislative days in which the General Assembly is in actual session to make such report. Every bill shall be reported out of committee for consideration by the Committee of the Whole or indefinitely postponed by a committee of reference prior to the adjournment sine die of the legislative session, and a report to that effect shall be delivered to the secretary. No further action may be taken on any bill that has been indefinitely postponed by a committee of reference and delivered to the secretary."

A majority of all members elected to the Senate having voted in the affirmative, the amendment was declared **adopted**.

Amendment No. 3, by Senator Andrews.

Amend the resolution, as printed in Senate Journal, January 18, page 50, line 49, strike "LEADER." and substitute "LEADER, AFTER CONSULTATION WITH THE MINORITY LEADER AND THE APPROPRIATE COMMITTEE CHAIR."

Page 51, line 69, strike "LEADER." and substitute "LEADER, AFTER CONSULTATION WITH THE MINORITY LEADER AND THE APPROPRIATE COMMITTEE CHAIR, IF APPLICABLE."

Page 52, line 57, strike "LEADER." and substitute "LEADER, AFTER CONSULTATION WITH THE MINORITY LEADER AND THE APPROPRIATE COMMITTEE CHAIR."

A majority of all members elected to the Senate having voted in the affirmative, the amendment was declared **adopted**.

On motion of Senator Thiebaut, the resolution, as amended, was **adopted** by the following roll call vote:

SR01-006

YES	26	NO	9	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	N	Gordon	Y	Musgrave	N	Taylor	N
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	N	Perlmutter	Y	Windels	Y
Dyer, F.	N	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	N	Linkhart	Y	Reeves	Y		

Co-sponsors added: Dyer E. Jim, Fitz-Gerald, Hernandez, Matsunaka, Perlmutter, Phillips and Tate.

GOVERNOR'S APPOINTMENTS

Appointments Letters of designation and appointment from Governor Owens were read and assigned to the Committees as follows:

June 1, 2000

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

**MEMBER OF THE
STATE BOARD OF PAROLE**

for a term expiring July 1, 2003:

Larry J. Schwarz of Wetmore, Colorado, to serve as a representative of the public and as a Republican, reappointed.

Sincerely,
(Signed)
Bill Owens
Governor

Rec'd 6/16/00
P. Dicks, Secretary

Committee on Judiciary.

May 19,2000

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

**MEMBER OF THE
JUVENILE PAROLE BOARD**

for a term expiring at the pleasure of the Governor:

Michael J. McArdle of Westminster, Colorado, to serve as a representative of the Department of Labor and Employment and as a Republican and to replace Walter Schmidt, appointed;

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Sincerely,
(Signed)
Bill Owens
Governor

Rec'd 5/22/00
G. Aberle, Asst. Secretary

Committee on Judiciary.

June 16, 2000

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBER OF THE
JUVENILE PAROLE BOARD

for a term expiring at the pleasure of the Governor:

Sheriff George E. Epp of Boulder, Colorado, to serve as a local elected official and as a Democrat, appointed.

Sincerely,
(Signed)
Bill Owens
Governor

Rec'd 6/29/00
G. Aberle, Asst. Secretary

Committee on Judiciary.

November 9, 2000

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBER OF THE
JUVENILE PAROLE BOARD

for a term expiring at the pleasure of the Governor:

Patricia Carol Grisanti of Denver, Colorado, to serve as a representative of the Department of Public Safety and as a Democrat, appointed.

Sincerely,
(Signed)
Bill Owens
Governor

Rec'd 11/16/00
P. Dicks, Secretary

Committee on Judiciary.

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January 9, 2001

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I hereby withdraw the following:

MEMBER OF THE
JUVENILE PAROLE BOARD

effective January 9, 2001:

Michael J. McArdle of Westminster, Colorado.

Sincerely,
(Signed)
Bill Owens
Governor

Rec'd 01/12/01
H. Horvath, Asst. to the Secretary

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Wednesday, January 24, was laid over until Thursday, January 25, retaining its place of the calendar.

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Thursday, January 25, 2001.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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